[12th December 1938

(c) whether the Bill proposed to be introduced by Government in 1930 and dropped in 1934 was drafted after getting the sanction of the Government of India;

(d) whether there were provisions in it for introducing the elective principle for any members of the local port administrative bodies as representatives of payers of taxes and fees; and

(e) on what grounds the Presidency Port Officer, it is stated, considered that legislation in the matter of amending or replacing the abovementioned Madras enactment was neither necessary nor desirable and the Government then concurred in that view and now do not propose to take any action?

THE HON. MR. YAKUB HASAN:—" (a) The answer is in the negative.

" (b) Yes; the Central Government expressed inability to give sanction to the Bill.

" (c) The answer is in the affirmative.

" (d) The Bill provided *inter alia* for the election of members by a municipal council or a Chamber of Commerce or any other body representing commercial interests.

" (e) Legislation was not recommended by the Presidency Port Officer on the ground that the provisions of the Indian Ports Act XV of 1908 and the Madras Outports Landing and Shipping Fees Act were adequate for the purpose of the administration of the minor ports. The hon. Member's attention is in this connexion invited to the answer to starred question No. 71-B (d)."

MR. J. A. SALDANHA:—" May I know, Sir, whether the Government have at least now found that the administration of these ports has been very unsatisfactory?"

THE HON. MR. YAKUB HASAN:—" The Government have found that the administration of these ports has been quite satisfactory."

UNSTARRED QUESTIONS

Fixity of tenure to tenants of ryotwari landholders in South Kanara.

15 Q.—MR. J. A. SALDANHA: With reference to the answer given to my question No. 3 on 21st December 1937, will the Hon. the Minister for Revenue be pleased to state whether, during his visit to Mangalore in June 1938 the Hon. the Prime Minister received a representation from any body for granting fixity of tenure to tenants of ryotwari landlords in South Kanara, if so what the terms of the prayer made are, what reply the Hon. the Prime Minister gave and what action Government have taken on the proposed fixity of tenure for such tenants and subject to what conditions?

12th December 1938]

A.—The giving of fixity of tenure to lessees under ryotwari owners of land means taking away from the full ownership of the pattadar, and such a step is not under contemplation. But the difficulties of tenants in South Kanara and how for they can be relieved are under consideration of local authorities.

Maintenance of ghaut and non-ghaut portions of Mangalore-Mysore Trunk road and funds for construction of capital works in 1938–39.

16 *Q.*—MR. J. A. SALDANHA: With reference to the answer given on 31st August 1937 to my question No. 11, will the Hon. the Minister for Local Administration be pleased to state—

(*a*) what action has been taken on the proposal to increase the maintenance of the ghaut and non-ghaut portions of the Mangalore-Mysore Trunk road;

(*b*) what amount of the Road Development Fund has been found available for the construction of capital works in the whole Presidency in 1938–39 and what portion of it is assigned to the district of South Kanara and to which office or local body; and

(*c*) what funds are placed at the disposal of the Collector of South Kanara for construction of roads and bridges and subject to what conditions?

A.—(*a*) Owing to want of funds, an increased grant could not be sanctioned in the current year. The proposal will be considered in connexion with the budget for 1939–40.

(*b*) The total amount provided for sanctioned schemes is Rs. 9·97 lakhs of which Rs. 1·62 lakhs relates to works to be carried out by the South Kanara District Board.

(*c*) No funds have been placed at the disposal of the Collector specifically for the construction of roads and bridges. He has at his disposal his district allotment of Rs. 46,670 out of the Government of India Rural Reconstruction Grant. Improvement of village ocmmunications is one of the objects on which it could be spent but the villagers to be benefited have to make a contribution of one-third of the cost of each scheme.

Forest concessions in South Kanara regarding use of green and dry produce.

17 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether Government have granted to cultivators in South Kanara recently any concessions in regard to the use of produce—green as well as dry—in reserved forests adjacent to their lands;

[12th December 1938

(b) if so, to what extent and in which villages; and

(c) subject to what conditions?

A.—(a) Yes.

(b) & (c) The attention of the hon. Member is invited to paragraph (c) of the Press Communiqué, [a] dated 27th August 1938, on the forest concession given to ryots in South Kanara district, a copy of which is appended.

Extension of service granted to the staff in civil courts in South Kanara.

18 Q.—Mr. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased to refer to the answer given to my question No. 84 on 25th March 1938, and to state—

(a) how many members of the staff on the superior subordinate service of the civil courts in South Kanara have been given extension of service since 1st July 1937; and

(b) whether Government have decided to restrict or contemplate restricting the number of extensions in civil courts in South Kanara?

A.—(a) Since 1st July 1937, 17 (seventeen) members of the Superior Subordinate Service of the Civil Courts in South Kanara have been given extension of service.

(b) The question is under the consideration of the Government.

Alleged preferential treatment in Subordinate Judicial Service to officers holding University degrees.

19 Q.—Mr. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased to refer to rule 14 (b) of the Special Rules passed for the Subordinate Judicial Services in G.O. No. 892, Public (Services), dated 26th May 1938, which provides for preference being given for the purpose of promotion to certain categories of members of the service holding the degrees of B.A., or B.Sc. or degree in Law of the Madras University, and to state—

(a) whether this preferential treatment had been existing in the previous rules and if not, on what grounds it has been introduced anew;

(b) whether such a preferential treatment is accorded to holders of corresponding posts in the revenue and other departments of the public services and if not, why the rule is made applicable to only clerks in the Judicial department;

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a Printed as Appendix IX on pages 83–85 infra.

12th December 1938]

(*c*) whether the rule is to be enforced only in the case of new entrants; and

(*d*) whether it will apply to those, who have already acted in the higher appointments of the category referred to above without holding any of the degrees mentioned above?

A.—(*a*) Prior to the issue of G.O. No. 892, Public (Services), dated 26th May 1938, there was no provision similar to rule 14 (*b*) of the special rules for the Madras Judicial Subordinate Service. This rule was framed on the recommendation of the High Court with a view to greater efficiency.

(*b*) The answer to the first part of the question is in the negative. The answer to the second part of the question is that better academic qualification and more especially, legal qualification, was considered likely to lead to more efficient discharge of duties by the said officers in the Judicial department.

(*c*) & (*d*) As retrospective effect has not been given to the rules in the Government Order, they will apply only to new entrants, i.e., to persons who are promoted for the first time after 26th May 1938.

Number of Europeans punished under the Madras Prohibition Act.

20 *Q.*—Sri Rao Bahadur N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether any European or Europeans were prosecuted for offending any of the provisions of the Prohibition Act from 1st October 1937 to 1st August 1938; and

(*b*) if so, whether he will place a statement showing the following particulars with regard to each case:—

(1) Name of the offender;

(2) Nature of offence;

(3) Relevant section of the Prohibition Act which he offended;

(4) Sentence awarded by the trying court;

(5) whether there was any appeal against the punishment; and

(6) if so, the decision of the appellate court?

A.—(*a*) One European was prosecuted during the period in question.

[12th December 1938

(b) The particulars asked for are given below, seriatim:—

(1) Mr. B. C. Savage.

(2) Illicit tarnsport of three bottles of whisky.

(3) Sub-section 1 (a) of section 4.

(4) A fine of Rs. 500 (five hundred rupees).

(5) & (6) There was no appeal against the punishment.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—REPORT OF THE ESTATES LAND ACT COMMITTEE.

* THE HON. SRI T. PRAKASAM:—" Sir, with your permission and the permission of the Hon. the Leader of the House, I present the Report of the Estates Land Act Committee which was constituted by this House on the 10th September 1937. I would request you to fix the 27th January 1939 for the consideration of this subject in this House."

MR. PRESIDENT:—" I fix the 27th January 1939 as the date for the discussion of the Report of the Estates Land Act Committee."

III.—GOVERNMENT BILLS.

(1) THE REMOVAL OF CIVIL DISABILITIES BILL (L.A. BILL NO. 9 OF 1937) AS PASSED BY THE ASSEMBLY.

* THE HON. DR. T. S. S. RAJAN:—" Sir, I move—

' *That the Bill* [a] *to provide for the removal of civil disabilities among certain classes of Hindus* (*L.A. Bill No.* 9 *of* 1937) *as passed by the Assembly be taken into consideration at once.*'

" It is unnecessary for me to go into any detail with regard to this Bill that has come before this House. This Bill was originally introduced in the Central Assembly in the year 1936 when Mr. Rajah was a member of that Assembly. It was circulated for opinion all over the country on a reference made by the Government of India and a large volume of opinion was collected. But, on account of the exigencies of political situation in the country, the sponsor of the Bill was not able to continue the further progress of the measure in the Central Assembly. Meanwhile, the present Government of India Act has come in by which power is given to the Local Governments to tackle the question. So, this Bill was introduced in the Madras Legislative Assembly during March this year.

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a **Printed as Appendix X on pages 86–87 infra.**